

S.B. 598

S.B. 616

S.B. 905

S.B. 1005

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDER**

Senator Blake announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held upon recess on Friday, May 17, 1985, and that all bills and resolutions would be considered on second and/or third reading in the order in which they are listed.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 170 - By Krier, Barrientos: Extending congratulations to Robert Rodriguez.

S.R. 442 - By Farabee: Extending congratulations to Wayman W. Chilcutt.

S.R. 443 - By Truan: Extending congratulations to Community of Bishop on its 75th anniversary.

S.R. 444 - By Caperton: Extending welcome to Dr. Ronald W. Huddleston of Hearne, Capitol Physician for the Day.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 12:55 o'clock p.m. adjourned until 9:00 o'clock a.m. tomorrow.

SEVENTY-SECOND DAY

(Friday, May 17, 1985)

The Senate met at 9:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

A quorum was announced present.

Senator Bob McFarland offered the invocation as follows:

We thank You for another day to be of service to You. In that service keep us mindful that for the gift of eternal life we need be only true servants to Your word.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Blake submitted the following report for the Committee on Administration:

S.R. 409

Senator Caperton submitted the following report for the Committee on Criminal Justice:

S.B. 1467

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

C.S.H.B. 48

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 1436
S.J.R. 42
H.B. 994
H.B. 2387
H.B. 2325
H.B. 1287
S.B. 1181
H.B. 1248
H.B. 1214
H.B. 2410
H.B. 1561
S.B. 1394
C.S.S.B. 1410
C.S.S.B. 1486
S.B. 1487 (Amended)
H.B. 241 (Amended)
H.B. 2461 (Amended)
S.B. 1287 (Amended)

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

S.B. 1311
H.B. 1592
S.B. 1010
S.B. 1455
C.S.S.B. 95

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

H.B. 832
H.B. 387 (Amended)
C.S.S.B. 302
C.S.H.B. 356

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

C.S.S.B. 1440

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

C.S.S.B. 692

Senator Harris submitted the following report for the Committee on Economic Development:

H.B. 1774 (Amended)
H.J.R. 73
H.B. 919
H.B. 1281
H.B. 2222
H.B. 2240
H.B. 373
C.S.H.B. 1010
H.B. 1861

MESSAGE FROM THE HOUSE

House Chamber
May 17, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.J.R. 10, Proposing a constitutional amendment granting the supreme court and the court of criminal appeals jurisdiction to answer questions of state law certified from federal appellate courts. (With amendment)

S.J.R. 15, Proposing a constitutional amendment relating to the apportionment of the value of railroad rolling stock among counties for purposes of property taxation.

S.J.R. 33, Proposing a constitutional amendment relating to statutory revision and to the requirement that each bill have a title expressing the subject of the bill.

S.B. 500, Relating to requiring safety belts on certain motor vehicles and to the regulation of their use.

S.B. 609, Relating to regulating the taking, possession, purchase, and sale of oysters and shrimp, to research programs concerning oysters and shrimp, and to fees for certain shrimp licenses; providing penalties. (With amendments)

S.B. 546, Relating to membership, credits, contributions, and benefits in the Texas County and District Retirement System and the participation of political subdivisions and management of funds.

H.C.R. 232, Recalling **H.B. 464** from the Senate.

S.C.R. 165, Inviting Elie Wiesel to address a Joint Session of the Legislature.

H.B. 268, Relating to peace officers commissioned by certain rapid transit authorities.

H.B. 533, Relating to venue in the criminal prosecution of an offense committed against a child.

H.B. 1303, Relating to the purchase of computers and computer-related equipment by school districts.

H.B. 498, Relating to transferring certain duties relating to the administration of an appraisal district from the county clerk to the chief appraiser and revising certain procedures in the appointment of an appraisal district.

H.B. 197, Relating to the use of false identification documents and to the making of a false report to a peace officer.

H.B. 1201, Relating to the safety of certain amusement rides.

H.B. 968, Relating to the authority of a county to construct, improve, maintain, or repair city streets and alleys with the consent of the city.

H.B. 1173, Relating to the authority of certain cities to lease their oil, gas, and other mineral lands.

H.B. 2084, Relating to the management and operation of the Texas Alcoholic Beverage Commission.

H.B. 2260, Relating to the form of a write-in ballot in an electronic voting system.

H.B. 2278, Relating to the time limitations applicable to the prosecution of a criminal case.

H.B. 2302, Relating to the authority of the commissioners court of a county to exchange an interest in real estate for another interest in real estate.

H.B. 2377, Relating to the creation and establishment of a conservation and reclamation district under Article XVI, Section 59 of the Constitution of Texas known as Sunnyvale Municipal Utility District No. 1; providing for one....

H.B. 2407, Relating to the creation, administration, powers, duties, operations, and financing of the Northgate Crossing Municipal Utility District No. 2.

H.B. 2409, Relating to the creation, administration, powers, duties, operations, and financing of the Northgate Crossing Municipal Utility District No. 1.

H.B. 2431, Relating to filing with and disclosure by the Railroad Commission of Texas of certain electric logs.

H.B. 477, Relating to supplemental compensation and expenses for the presiding judge of the statutory probate courts.

H.B. 2424, Relating to civil and criminal liability for false reporting of child abuse.

H.B. 2399, Relating to medical malpractice coverage for certain institutions.

H.B. 808, Relating to requiring a person convicted of an offense to repay a reward paid in connection with the offense by a local crime prevention organization.

H.B. 309, Relating to costs imposed to generate funds for victims of crime.

H.B. 1976, Relating to exempting certain information about government personnel from the open records act.

H.B. 773, Relating to the regulation of guard dog companies; providing a penalty.

H.B. 1874, Relating to the packaging of alcoholic beverages.

H.B. 875, Relating to certain motor vehicles subject to the Texas Litter Abatement Act.

H.B. 473, Relating to a program to reward state employees for employee recommendations that improve state government efficiency.

H.B. 1615, Relating to the use of private consultants or professionals by certain state agencies.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Blake and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.C.R. 171 by Blake Administration
Expressing appreciation to the Texas Academy of Family Physicians, the Texas Medical Association, the Texas Department of Human Resources, L. W. Snider, M.D., Betty Lindeman, R.N., and the participating physicians of the Texas Academy of Family Physicians.

S.B. 1488 by Brown State Affairs
Relating to designating State Highway 288 as the Brazoria Parkway.

S.B. 1489 by Brown Criminal Justice
Relating to the time limitations applicable to the prosecution of a criminal case.

S.B. 1490 by Sims Natural Resources
Relating to the creation, administration, powers, duties, operation, and financing of the S. E. Thompson Municipal Utility District No. 1.

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 2358, To Committee on Natural Resources.

CO-AUTHOR OF SENATE BILL 1471

On motion of Senator Brooks and by unanimous consent, Senator Brown will be shown as Co-author of **S.B. 1471**.

SENATE BILL 449 WITH HOUSE AMENDMENTS

Senator Leedom called **S.B. 449** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.
Committee Amendment No. 1 - Whaley
Substitute the following for **S.B. 449**:

A BILL TO BE ENTITLED AN ACT

relating to the deposit, investment, and management of county funds and to the imposition of certain handling charges involving county funds or funds held in trust by a county or district clerk; amending Chapter 467, Acts of the 62nd Legislature, Regular Session, 1971, by amending Section 2 and adding Subsection (h) to Section 4; amending Article 2544, Revised Statutes; amending Section (c) and adding Sections (d) and (e), Article 2549, Revised Statutes; adding Section 4c to Chapter 14, General Laws, Acts of the 41st Legislature, 4th Called Session, 1930 (Articles

1709a, 2544, 2549, and 2558a, Vernon's Texas Civil Statutes); adding Article 3943f to Title 61, Revised Statutes; and repealing Chapter 694, Acts of the 66th Legislature, 1979 (Article 1644f, Vernon's Texas Civil Statutes).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2, Chapter 467, Acts of the 62nd Legislature, Regular Session, 1971 (Article 1709a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. ~~The [From and after the effective date of this Act, the]~~ County Treasurer in each county of this State shall receive all moneys belonging to the county from whatever source they may be derived. A county officer who receives funds shall deposit them with the County Treasurer or his successor not later than the next regular business day after the day on which the funds are received, but in no event, shall deposits be made later than seven business days upon receipt of said funds with the following exception. In counties with a population of under 50,000, the Commissioners Court, at its discretion, may extend the time for which funds shall be deposited with the County Treasurer or his successor, up to thirty days from the time said funds are received. Clarification as to moneys and mode and manner of receipt thereof not inconsistent with existing laws follows:

"(a) All fees, commissions, funds and moneys belonging to the county shall be turned over to the County Treasurer by the officer who collected them in accordance with any applicable procedures prescribed by or under Articles 1656 and 1656a, Revised Civil Statutes of Texas, 1925, or in the case of the County Assessor-Collector, in accordance with the procedures prescribed by or under the Tax Code or other laws~~[-in the manner prescribed in Chapter 98, Acts of the 43rd Legislature, 1933, as amended (Article 1656a, Vernon's Texas Civil Statutes)]~~. Such deposit of funds in the county treasury shall not in any wise change the ownership of any fund so deposited, except to indemnify said officer and his bondsman or other owners of such funds during the period of deposit with the county.

"(b) All deposits that are made in the county treasury shall be upon deposit warrant issued by the County Clerk in triplicate; said warrants shall authorize the treasurer to receive the amount named, for what purpose, and to which fund the same shall be applied. The treasurer shall retain the original; the duplicate shall be signed and returned to the clerk and the triplicate signed and returned to the depositor as provided in Article 1657, Revised Civil Statutes of Texas, 1925. In each county of this State having a County Auditor the County Clerk shall give his copy to the auditor, who then shall enter same upon his books as a check and balance, charging the amounts to the County Treasurer and crediting the same to the depositing party.

"(c) The treasurer shall not under any circumstances receive any money in any other manner than that named herein. However, this Act does not affect the authority of a Commissioners Court to adopt an order under Article 1657, Revised Civil Statutes of Texas, 1925, relieving the County Clerk of the duties prescribed by Article 1657. Furthermore,~~[-except that]~~ in counties of whose population exceeds 1,200,000 the County Clerk is relieved of all duties prescribed by Article 1657, Revised Civil Statutes of Texas, 1925. In [such] counties with that population the County Treasurer shall prepare a triplicate receipt for all moneys received, retain one copy of the receipt and transmit the original and the duplicate to the county auditor and the depositor respectively, as provided in Chapter 235, Acts of the 60th Legislature, 1967 (Article 1657a, Vernon's Texas Civil Statutes)."

SECTION 2. Section 4, Chapter 467, Acts of the 62nd Legislature, Regular Session, 1971 (Article 1709a, Vernon's Texas Civil Statutes), is amended by adding Subsection (h) to read as follows:

"(h) The County Treasurer, if satisfied that an original check or other order drawn on the county treasury by a proper authority is lost or destroyed, may issue

a duplicate instrument in lieu of the original. However, the duplicate instrument may not be issued until an applicant has filed an affidavit with the County Treasurer stating that the applicant is the true owner of the original instrument and that the original is lost or destroyed. The County Treasurer may require the applicant to execute a bond that is double the amount of the claim. The bond must be executed with two or more good and sufficient sureties, must be made payable to the County Judge, must be notarized, must be approved by the County Treasurer, and must be conditioned that the applicant will hold the county harmless and will return to the County Treasurer upon demand by the County Treasurer the duplicate instrument or the amount of money named in the duplicate, together with all costs that may accrue against the county in collecting the amount.

"After the issuance of the duplicate instrument, if the County Treasurer determines that the duplicate was improperly issued or that the applicant or party to whom the duplicate was issued is not the owner of the original instrument, the County Treasurer shall at once demand the return of the duplicate, if unpaid, or the amount paid out by the county, if the duplicate is paid. On the failure of the party to return the duplicate instrument or the amount of money called for, suit shall be instituted on the bond by the County Treasurer through the office of the County or District Attorney. Venue for the suit is in the county in which the County Treasurer serves."

SECTION 3. Article 2544, Revised Statutes, is amended to read as follows:

"Article 2544. NOTICE TO BANKS. The Commissioners Court of each county is hereby authorized [and required] at the February Regular Term [~~thereof next following each general election~~] to enter into a contract with any banking corporation, association or individual banker in such county for the depositing of the public funds of such county in such bank or banks. However, the Commissioners Court is required at the February Regular Term next following each general election to enter into such a contract for the depositing of public funds. Notice that such contracts will be made by the Commissioners Court shall be published by and over the name of the County Judge, once each week for at least twenty (20) days before the commencement of such term in some newspaper published in said county; and if no newspaper be published therein, then in any newspaper published in the nearest county. In addition thereto, notice shall be published by posting same at the courthouse door of said county."

SECTION 4. Article 2549, Revised Statutes, as amended, is amended by amending Section (c) and by adding Sections (d) and (e) to read as follows:

"(c) Unless expressly prohibited by law or unless it is in contravention of any depository contract between a county and any depository bank, the Commissioners Court may direct the county treasurer to[:

"[(+)] withdraw any amount of funds of the county that are deposited in a county depository and that are not required immediately to pay obligations of the county or required to be kept on deposit under the terms of the depository contract[;] and to

"[(2)] invest those funds in:

"(1) direct debt securities of the United States; or

"(2) security repurchase agreements.

"(d) Investments in security repurchase agreements may be made only with the county depository bank or with state or national banks domiciled in this State.

"(e) In this article 'security repurchase agreement' means a simultaneous agreement to buy, hold for a specified time, and then sell back at a future date any of the following securities, obligations, or participation certificates: United States government securities; direct obligations of the United States; obligations the principal and interest of which are guaranteed by the United States; or direct obligations of, or participation certificates guaranteed by, the Federal Intermediate

Credit Banks, Federal Land Banks, Federal National Mortgage Association, Federal Home Loan Banks, or Banks for Cooperatives."

SECTION 5. Chapter 14, General Laws, Acts of the 41st Legislature, 4th Called Session, 1930 (Article 2558a, Vernon's Texas Civil Statutes), is amended by adding Section 4c to read as follows:

"Section 4c. (a) To offset the expense of handling District Clerk and County Clerk Trust Funds for the benefit of litigants in civil proceedings, a county may collect from the nonprevailing party in the litigation or from the party the court shall designate a fee of \$50.

"(b) Funds collected under this section shall be deposited by the County Treasurer in the General Fund of the county."

SECTION 6. Title 61, Revised Statutes, as amended, is amended by adding Article 3943f to read as follows:

"Article 3943f. OTHER FEES OF COUNTY TREASURER

"Section 1. County treasurers may collect the following fees from the appropriate individuals, firms, corporations, governmental agencies, governmental representatives, or other legal entities:

"(1) for checks presented to a county in payment of any service, fee, claim, registration, fine, or other cost of the county for which the deposited check was returned to the county by the depository bank of the county or by any other bank due to insufficient funds to cover the check, account closed, signature not authorized, drawn on uncollected funds, or for any other reason deemed the fault of the drawer, a fee of \$15 for each check returned.

"(2) for placement of a stop-payment order on each check issued by a county for which the county will directly or indirectly be charged by the depository bank of the county or by any other bank \$15; or

"(3) for each copy made of a page or part of a page of records, orders, checks, or other papers on file or of record in the treasurer's office, whether certified or not \$1.

"Section 2. Funds received under Section 1 of this article shall be deposited in the general fund of the county to the credit of county treasurer fees of office."

SECTION 7. Section 2, Chapter 467, Acts of the 62nd Legislature, Regular Session, 1971 (Article 1709a, Vernon's Texas Civil Statutes), as amended by this Act, applies only to the deposit of funds received by a county officer on or after the effective date of this Act. The deposit of funds received before the effective date of this Act is governed by the law in existence at the time the funds were received. The prior law is continued in effect for this purpose as if this Act were not in force.

SECTION 8. Chapter 694, Acts of the 66th Legislature, 1979 (Article 1644f, Vernon's Texas Civil Statutes), is repealed.

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Floor Amendment No. 1

Amend C.S.S.B. 449 on page 5, line 25, by striking Subdivision (2) and substituting the following:

(2) fully collateralized repurchase agreements purchased pursuant to a master contractual agreement which specifies the rights and obligations of both parties and which requires that securities involved in the transaction be held in a safekeeping account subject to the control and custody of the county;

The amendments were read.

Senator Leedom moved to concur in the House amendments.

The motion prevailed.

SENATE BILL 894 WITH HOUSE AMENDMENT

Senator Uribe called **S.B. 894** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Floor Amendment No. 1 - G. Thompson

Amend **S.B. 894**, SECTION 12. ADVISORY COMMITTEE, as follows:

SECTION 12. ADVISORY COMMITTEE. The board may appoint a technical advisory committee to assist the Oral Health Improvement Services Program in areas requiring professional dental and medical expertise. Appointees to the advisory committee must be practitioners licensed to practice in Texas by either the Texas State Board of Dental Examiners or the Texas State Board of Medical Examiners; however, appointments must be made without regard to the race, creed, sex, religion or national origin of the appointee.

The amendment was read.

Senator Uribe moved to concur in the House amendment.

The motion prevailed.

COMMITTEE SUBSTITUTE SENATE BILL 404 ON THIRD READING

Senator Uribe moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 404, Relating to Pan American University at Brownsville.

The motion prevailed by the following vote: Yeas 19, Nays 8.

Yeas: Barrientos, Brooks, Caperton, Edwards, Harris, Henderson, Kothmann, Krier, Lyon, Mauzy, Montford, Parker, Parmer, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Blake, Brown, Farabee, Howard, Jones, Leedom, McFarland, Sims.

Absent: Glasgow, Santiesteban, Sarpalius, Washington.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 9.

Yeas: Barrientos, Brooks, Caperton, Edwards, Harris, Henderson, Kothmann, Krier, Lyon, Mauzy, Montford, Parker, Parmer, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Blake, Brown, Farabee, Glasgow, Howard, Jones, Leedom, McFarland, Sims.

Absent: Santiesteban, Sarpalius, Washington.

VOTE TO CONCUR IN HOUSE AMENDMENTS TO SENATE BILL 807 RECONSIDERED

On motion of Senator Traeger and by unanimous consent, the vote by which the Senate concurred in House amendments to **S.B. 807** was reconsidered.

Question - Shall the Senate concur in the House amendments?

Senator Traeger moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 807** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Traeger, Chairman; Parmer, Sharp, Edwards and Caperton.

(Senator Brooks in Chair)

SENATE BILL 293 ON SECOND READING

Senator Traeger asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 293, Relating to Laredo State University.

There was objection.

Senator Traeger then moved to suspend the regular order of business and take up **S.B. 293** for consideration at this time.

The motion prevailed by the following vote: Yeas 18, Nays 9.

Yeas: Barrientos, Brooks, Brown, Caperton, Edwards, Kothmann, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Blake, Farabee, Glasgow, Harris, Henderson, Howard, Leedom, Mauzy, Sims.

Absent: Jones, Krier, Santiesteban, Washington.

The bill was read second time.

Senator Traeger offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 293**, by removing the striking at Lines 3 through 5 on page 2, and restoring the language that reads, "In prescribing the courses, the board shall give special emphasis to those courses leading to baccalaureate and master's degrees in teacher education and business administration".

The committee amendment was read and was adopted.

Senator Farabee offered the following amendment to the bill:

Floor Amendment No. 1

(1) Amend **S.B. 293**, as amended, by inserting a new section before the emergency clause to be numbered appropriately to read as follows:

SECTION _____. (a) Nothing in this Act shall be construed to require the legislature to appropriate to Laredo State University an amount greater than the legislature would have appropriated to this institution if this Act had not been enacted.

(b) Nothing in this Act shall be construed to be a change in mission, role, and scope of Laredo State University.

(c) Laredo State University shall be prohibited from using funds appropriated under Article VII, Section 17 (a), of the Texas Constitution, or any other source of funds, for acquiring land or establishing a campus without prior approval of the legislature.

(2) Renumber the emergency clause accordingly.

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

MOTION TO PLACE SENATE BILL 293 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 293 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 19, Nays 7. (Not receiving four-fifths vote of the Members present)

Yeas: Barrientos, Brooks, Brown, Caperton, Edwards, Glasgow, Kothmann, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Blake, Farabee, Harris, Henderson, Leedom, Mauzy, Sims.

Absent: Howard, Jones, Krier, Santiesteban, Washington.

COMMITTEE SUBSTITUTE SENATE BILL 370 ON SECOND READING

Senator Caperton asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 370, Relating to the open meetings and open records requirements applicable to governmental bodies; giving private rights of action in certain circumstances; defining offenses and providing penalties; amending Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), by amending Subsections (a) and (b), Section 1; Subsections (a) and (f) Section 2; Subsections (a) and (h), Section 3A; and Section 3; and by adding Sections 2A and 3B; and amending Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes), by amending Sections 4, 7, 8, and 10; adding Section 6A; and repealing Section 12.

There was objection.

Senator Caperton then moved to suspend the regular order of business and take up **C.S.S.B. 370** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 8.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Howard, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Truan, Uribe, Whitmire.

Nays: Glasgow, Harris, Henderson, Jones, Kothmann, Sims, Traeger, Williams.

Absent: Krier, Santiesteban, Washington.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 370, Section 2A, Subsection (d), by inserting the words "upon entry of a final judgment" between the words "court" and "may".

The amendment was read and was adopted.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 370, Section 1, Subsection (b) "Deliberations", by inserting the words "during a meeting" between the words "exchange" and "between".

The amendment was read and was adopted.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 370 in SECTION 3 of the bill, Section 2A(g), by striking the words "A person" and inserting, in lieu thereof, the following language:

"An individual, corporation, or partnership"

The amendment was read and was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Sims asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 370 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 370 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Kothmann, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Truan, Uribe, Whitmire.

Nays: Sims, Williams.

Absent: Jones, Krier, Santiesteban, Traeger, Washington.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 8.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Truan, Uribe, Washington, Whitmire.

Nays: Harris, Henderson, Howard, Jones, Kothmann, Sims, Traeger, Williams.

Absent: Krier, Santiesteban.

COMMITTEE SUBSTITUTE SENATE BILL 1248 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1248, Relating to the creation, administration, powers, duties, operations, functions, and financing of the Hays-Travis Groundwater District for the Edwards Aquifer under Article XVI, Section 59, of the Texas Constitution.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1248** in Section 29 by adding a new Subsection (f) to read as follows:

(f) The rules adopted by the board shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare. Provided, however, if a town, village, or city adopts rules applicable within its area of jurisdiction expressly for the purpose of regulating water quality from point and nonpoint sources of pollution, the rules of the board may not supersede such rules of the town, village, or city.

The amendment was read and was adopted.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1248 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1248** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1478 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1478, Authorizing and making an appropriation to the Texas Real Estate Commission from the Real Estate License Fund; amending the Real Estate License Act; amending the Texas Timeshare Act (Article , Vernon's Texas Civil Statutes), by adding Section 6A to create the Texas Timeshare Fund and to prescribe use of the funds; and declaring an emergency

The bill was read second time and was passed to engrossment.

SENATE BILL 1478 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1478** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE HOUSE BILL 1280 ON THIRD READING

Senator Farabee moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

C.S.H.B. 1280, Relating to certain employment, sales, and leasing practices; providing penalties.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Harris, Henderson, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmier, Sarpalius, Sharp, Truan, Uribe, Washington, Whitmire.

Nays: Brown, Glasgow, Howard, Jones, Sims, Traeger, Williams.

Absent: Santiesteban.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Brown, Glasgow, Howard, Jones, Montford, Sims, Traeger and Williams asked to be recorded as voting "Nay" on the final passage of the bill.

LEAVE OF ABSENCE

Senator Santiesteban was granted leave of absence for the remainder of today on account of important business on motion of Senator Sims.

(President in Chair)

MOTION TO PLACE SENATE BILL 344 ON SECOND READING

Senator Glasgow moved to suspend the regular order of business to take up for consideration at this time:

S.B. 344, Relating to a presumption in civil actions concerning the cost and necessity of services.

The motion was lost by the following vote: Yeas 19, Nays 10. (Not receiving two-thirds vote of the Members present)

Yeas: Barrientos, Brooks, Caperton, Edwards, Glasgow, Howard, Kothmann, Lyon, McFarland, Mauzy, Montford, Parker, Parmier, Sarpalius, Sharp, Truan, Uribe, Whitmire, Williams.

Nays: Blake, Brown, Farabee, Harris, Henderson, Jones, Krier, Leedom, Sims, Traeger.

Absent: Washington.

Absent-excused: Santiesteban.

COMMITTEE SUBSTITUTE SENATE BILL 1290 ON SECOND READING

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1290, Relating to the creation of the Texas emergency economic opportunity fund and economic development in the state.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1290 ON THIRD READING

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1290** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

MOTION TO PLACE**COMMITTEE SUBSTITUTE SENATE BILL 665 ON SECOND READING**

Senator Truan moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 665, Relating to the election of school district trustees from single-member trustee districts.

The motion was lost by the following vote: Yeas 14, Nays 15.

Yeas: Barrientos, Brooks, Caperton, Edwards, Glasgow, Kothmann, Krier, Lyon, Mauzy, Parker, Parmer, Truan, Uribe, Whitmire.

Nays: Blake, Brown, Farabee, Harris, Henderson, Howard, Jones, Leedom, McFarland, Montford, Sarpalius, Sharp, Sims, Traeger, Williams.

Absent: Washington.

Absent-excused: Santiesteban.

SENATE BILL 903 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 903, Amending Chapter 656, Acts of the 68th Legislature, Regular Session 1983; authorizing interim and permanent financing by the issuance of various obligations by or on behalf of governmental agencies and political subdivisions of the State of Texas and the use of funds generated; prescribing the terms and conditions under which such obligations may be issued, delivered and paid, and the status of such obligations; and declaring an emergency.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 903**, SECTION 1, (1) (A) by adding to the end of the first sentence, after the word "Texas", the following:

"having a population according to the latest federal decennial census of 90,000 or more and having outstanding long term debt secured by the revenues of the public utility for which the obligations are being issued which is rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for long term obligations;

The amendment was read and was adopted.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 2

Amend **S.B. 903** SECTION 1, (1) (F) by striking and inserting instead the following:

"(F) any district organized or operating under and pursuant to Article XVI, Section 59 of the Constitution of Texas which has all or part of two or more incorporated cities within its boundaries; and (G) agencies of the State of Texas (including the governing boards of the state institutions of higher education)."

The amendment was read and was adopted.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 903 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 903** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

SENATE BILL 1450 ON SECOND READING

On motion of Senator Howard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1450, Relating to distribution of the assets of a nonprofit corporation on dissolution of the corporation.

The bill was read second time.

Senator Howard offered the following amendment to the bill:

Amend **S.B. 1450** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Article 6.02, Texas Non-Profit Corporation Act (Article 1396-6.02, Vernon's Texas Civil Statutes), is amended to read as follows:

"Article 6.02. APPLICATION AND DISTRIBUTION OF ASSETS. A. The assets of a corporation in the process of dissolution shall be applied and distributed as follows:

"(1) All liabilities and obligations of the corporation shall be paid, satisfied and discharged; in case its property and assets are not sufficient to satisfy or discharge all the corporation's liabilities and obligations, the corporation shall apply them so far as they will go to the just and equitable payment of the liabilities and obligations.

"(2) Assets held by the corporation upon condition requiring return, transfer or conveyance, which condition occurs by reason of the dissolution, shall be returned, transferred or conveyed in accordance with such requirements.

"(3) Unless provided otherwise by a provision of the corporation's articles of incorporation that refers to this subsection, the remaining assets of the corporation shall be distributed only to organizations that are exempt under Section 501(c)(3), Internal Revenue Code of 1954 (26 U.S.C. Section 501(c)(3)), or its successor statute [Assets received and held by the corporation subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational or similar purposes, but not held upon a condition requiring return, transfer or conveyance by reason of the dissolution, together with any income earned thereon shall be transferred or conveyed to one or more domestic or foreign corporations, societies or organizations engaged in activities substantially similar to those of the dissolving corporation], pursuant to a plan of distribution adopted as provided in this Act. A district court of the county in which the corporation's principal office is located shall distribute to organizations that are exempt under that section the remaining assets of the corporation not distributed under the plan of distribution.

~~"[(4) Other assets, if any, shall be distributed in accordance with the provisions of the articles of incorporation or the by-laws to the extent that the articles of incorporation or by-laws determine the distributive rights of members, or any class or classes of members, or provide for distribution to others.~~

~~"[(5) Any remaining assets may be distributed to such persons, societies, organizations or domestic or foreign corporations, whether for profit or not for profit, as may be specified in a plan of distribution adopted as provided in this Act.]"~~

SECTION 2. Section B, Article 7.06, Texas Non-Profit Corporation Act (Article 1396-7.06, Vernon's Texas Civil Statutes), is amended to read as follows:

"B. The assets of the corporation or the proceeds resulting from a sale, conveyance, or other disposition thereof shall be applied and distributed as follows:

"(1) All costs and expenses of the court proceedings and all liabilities and obligations of the corporation shall be paid, satisfied and discharged, or adequate provision shall be made therefor;

"(2) Assets held by the corporation upon condition requiring return, transfer or conveyance, which condition occurs by reason of the dissolution or liquidation, shall be returned, transferred or conveyed in accordance with such requirements;

"(3) Unless provided otherwise by a provision of the corporation's articles of incorporation that refers to this subsection, the remaining assets of the corporation shall be distributed only to organizations that are exempt under Section 501(c)(3), Internal Revenue Code of 1954 (26 U.S.C. Section 501 (c)(3)), or its successor statute [Assets received and held by the corporation subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational or similar purposes, but not held upon a condition requiring return, transfer or conveyance by reason of the dissolution or liquidation, shall be transferred or conveyed to one or more domestic or foreign corporations, societies or organizations engaged in activities substantially similar to those of the dissolving or liquidating corporation as the court may direct;

~~"[(4) Other assets, if any, shall be distributed in accordance with the provisions of the articles of incorporation or the by-laws to the extent that the~~

~~articles of incorporation or by-laws determine the distributive rights of members, or any class or classes of members, or provide for distribution to others;~~

~~"[(5) Any remaining assets may be distributed to such persons, societies, organizations or domestic or foreign corporations, whether for profit or not for profit, specified in the plan of distribution adopted as provided in this Act, or where no plan of distribution has been adopted, as the court may direct]."~~

SECTION 3. This Act takes effect September 1, 1985, and applies only to nonprofit corporations formed on or after that date.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted.

On motion of Senator Howard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 1450 ON THIRD READING

Senator Howard moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1450** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed.

(Senator Sharp in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 594 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 594, Relating to the authority of a judge to call a Court of Inquiry, to the organization and functions of the Court of Inquiry, and to certain costs and fees; amending Articles 52.01 and 52.09, Code of Criminal Procedure, 1965, as amended.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 594 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 594** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed.

GUEST PRESENTED

Senator Truan was recognized and introduced the Capitol Physician for the Day, Dr. Albert Smith of Lyford.

The Senate welcomed Dr. Smith and expressed appreciation for his service.

SENATE BILL 1259 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1259, Relating to a state policy regarding the layoff and recall of certain state employees.

The bill was read second time.

Senator Parker offered the following committee amendment to the bill:

Amend **S.B. 1259** by inserting a new Section 4 of the bill to read as follows, renumbering the current Section 4 as Section 5, and renumbering the subsequent sections accordingly:

SECTION 4: FEMALE AND MINORITY EMPLOYEES. Before conducting any layoff of state employees under Section 3 of this Act, each affected state agency shall determine the number of agency employees who are women or members of minority groups. Whenever it becomes necessary to reduce the number of employees of a state agency through layoffs, the agency shall ensure that the ratio of female and minority employees of the agency remain at least equal to that ratio before the layoff.

The committee amendment was read and was adopted.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Jones asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 1259 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1259** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Jones, Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Jones asked to be recorded as voting "Nay" on the final passage of the bill.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 658 ON SECOND READING**

Senator Truan asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 658, Relating to transcripts of high school students and to a uniform high school graduation program through the sophomore year.

There was objection.

Senator Truan then moved to suspend the regular order of business and take up **C.S.S.B. 658** for consideration at this time.

The motion was lost by the following vote: Yeas 10, Nays 19.

Yeas: Barrientos, Brooks, Kothmann, Krier, Lyon, Mauzy, Parmer, Truan, Uribe, Whitmire.

Nays: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Leedom, McFarland, Montford, Parker, Sarpalius, Sharp, Sims, Traeger, Williams.

Absent: Washington.

Absent-excused: Santiesteban.

(President in Chair)

MESSAGE FROM THE HOUSE

House Chamber
May 17, 1985

**HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE**

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 187, Congratulating Mr. and Mrs. Gilbert Pena.

H.C.R. 188, Honoring Raymon L. Bynum.

H.C.R. 189, Paying tribute to Socorro Gonzalez.

H.C.R. 197, In Memory of Consuelo Mendez.

H.C.R. 200, Recognizing Carl Lewis.

H.C.R. 208, In appreciation to Dr. Leslie M. Reid.

S.C.R. 145, Commending Mr. Dale Stafford.

S.C.R. 142, Commend Judge Connally McKay.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 1083 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1083, Relating to the creation, implementation, administration, operation, and financing of the Texas Brush Control Program; adding Chapter 203 to Title 7, Agriculture Code.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1083 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1083** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 581 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 581, Relating to the creation of an offense for failure of certain persons temporarily released from custody while serving a criminal sentence to return to custody as required.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 581 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 581** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed.

SENATE BILL 983 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 983, Relating to authorizing and limiting the establishment of separate accounts by domestic and foreign insurance companies; Article 3.75, Section 3, Texas Insurance Code; declaring an emergency.

The bill was read second time.

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 983** by inserting the word "Insurance" after the word "Texas" on line 6 of page 1.

The amendment was read and was adopted.

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **S.B. 983** as follows:

Amend Section 3(e) of Article 3.75, Insurance Code, as it appears in Section 2 of **S.B. 983** by striking the word "Commission" wherever it appears and inserting in lieu thereof, the word "Commissioner".

The amendment was read and was adopted.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 983 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 983** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

SENATE BILL 1110 ON SECOND READING

Senator Whitmire asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 1110, Relating to the issuance of bonds to finance cash flow deficits and pension fund contributions.

There was objection.

Senator Whitmire then moved to suspend the regular order of business and take up **S.B. 1110** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Henderson, Howard, Kothmann, Krier, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Jones, Leedom.

Absent: Glasgow, Harris.

Absent-excused: Santiesteban.

The bill was read second time.

Senator Edwards offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 1110** by amending Sections 1, 2, 3, and 4 and by adding Sections 5, 6, 7, and 8 to read as follows:

SECTION 1. Section 2, Texas Hospital Equipment Financing Act (Article 4437e-3, Vernon's Texas Civil Statutes) is amended to read as follows:

Sec. 2. **LEGISLATIVE FINDINGS AND PURPOSE.** It is hereby found, determined, and declared that health-related equipment, as defined in this Act, in many portions of this state is presently obsolete, inadequate, or insufficient; that the cost of providing such health-related equipment within this state has in many cases become excessive; and that the present and prospective health, safety, and general welfare of the people of this state require as a public purpose the promotion and development of new and expanded methods of providing such health-related equipment. It is further found, determined, and declared that participating health-care providers, as hererin defined, may have recurring cash flow deficits, and that the present and prospective health, safety, and general welfare of the people of this state require as a public purpose the promotion and development of new methods of decreasing or eliminating such cash flow deficits. It is further found, determined, and declared that participating health-care providers, as herein defined, have responsibilities to their employees to make pension fund contributions, as herein defined, and that the present and prospective health, safety, and general welfare of this state require as a public purpose the promotion and development of new methods of such funding pension fund contributions. It is the purpose of this Act to establish the Texas Hospital Equipment Financing Council, the board of trustees of which shall be comprised of the members of the hospital advisory council, as created under the Texas Hospital Survey and Construction Act, as amended (Article 4437d, Vernon's Texas Civil Statutes), or shall be appointed by the hospital advisory council, as hereinafter provided, and to enable the financing council and the participating health-care providers, as herein defined, to provide at a reasonable cost health-related equipment, as herein defined, funds to decrease or eliminate cash flow deficits, as herein defined, and pension fund contributions, as herein defined, which the financing council determines will improve the adequacy, cost, and accessibility of health care within this state. It is therefore determined and declared as a matter of public policy that the establishment of the financing council, as herein defined, the issuance of revenue bonds and notes by the financing council, and the exercise of the other powers of the financing council, all as herein provided, are in the public interest and in furtherance of an important public purpose. The necessity in the public interest of the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

SECTION 2. Section 12, Texas Hospital Equipment Financing Act (Article 4437e-3, Vernon's Texas Civil Statutes), is amended by adding Subsection b-1 to read as follows:

(b-1) Each loan to a participating health-care provider to decrease or eliminate cash flow deficits shall mature not more than 18 months after the date of such loan.

SECTION 3. Section 3, Texas Hospital Equipment Financing Act (Article 4437e-3, Vernon's Texas Civil Statutes), is amended by amending Subdivision (9) and by adding Subdivisions (12) and (13) to read as follows:

(9) "Participating health-care provider" means a public or private~~[, profit or]~~ nonprofit corporation, association, foundation, trust, cooperative, agency, body politic, or similar person or organization authorized by the laws of this state to

provide or operate a health facility, as herein defined, and which, pursuant to the provisions of this Act, contracts with or borrows from the financing council, as herein defined, or any entity which will provide loans for the financing or refinancing of the lease or other acquisition of health-related equipment, as herein defined, as provided in this Act.

(12) "Cost" also means the cost of funds to decrease or eliminate cash flow deficits of participating health-care providers or to fund pension fund contributions.

(13) "Pension fund contributions" means contributions required to be made by participating health-care providers, which contributions are subject to the Employee Retirement Income Security Act of 1974, or by governmental participating health-care providers, which contributions are not subject to the Employee Retirement Income Security Act of 1974.

SECTION 4. Section 9, Texas Hospital Equipment Financing Act (Article 4437e-3, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. PROVISION OF HEALTH-RELATED EQUIPMENT FOR OPERATION BY HEALTH-CARE PROVIDERS IN HEALTH FACILITIES; POWERS OF FINANCING COUNCIL. In addition to the other powers and duties of the financing council, the financing council is specifically authorized to initiate a program of providing health-related equipment to be operated by participating health-care providers in health facilities located within the state or providing funds to decrease or eliminate cash flow deficits of participating health-care providers or to fund pension fund contributions for participating health-care providers. In this regard, the financing council shall be authorized to exercise the following powers:

(1) to establish financial eligibility standards for participating health-care providers;

(2) to obtain or aid in obtaining from any department, agency, or instrumentality of the United States or the state or any private company any insurance or guarantee as to, or of, or for the payment or repayment of loan payments, rent payments on any lease or principal, redemption premium, or interest, or any part thereof, on any bonds;

(3) to enter into any agreement, contract, or other instrument with respect to any insurance and to accept payment in the event of damage to or destruction of any health-related equipment;

(4) to enter into any agreement, contract, or other instrument with respect to any insurance, guarantee, or letter of credit, to accept payment in such manner and form as provided therein in the event of default by a participating health-care provider or other entity to which a loan has been made, and to assign any such insurance or guarantee as security for bonds issued by the financing council;

(5) to procure letters of credit from any national or state banking association or other entity authorized to issue a letter of credit to secure the payment of any bonds issued by the financing council or to secure the payment of any loan, lease, or purchase payment owed by a participating health-care provider to the financing council, including the power to pay the cost of obtaining such letter of credit;

(6) to enter into an agreement with any entity securing the payment of bonds issued pursuant to this Act, authorizing said entity to approve the participating health-care providers that can receive reimbursement for or finance or refinance health-related equipment, funds to decrease or eliminate cash flow deficits, or funds to fund pension fund contributions with proceeds from the bonds secured by said entity and to approve any banks, savings and loan associations, or other entities to which the financing council may loan its funds to finance or refinance directly or indirectly the cost of health-related equipment, funds to decrease or eliminate cash flow deficits, or funds to fund pension fund contributions for participating health-care providers; and

(7) to loan to any participating health-care provider or a bank or savings and loan association or other entity under an installment purchase contract or loan

agreement money to reimburse, finance, or refinance directly or indirectly the cost of specific items of health-related equipment, funds to decrease or eliminate cash flow deficits, or funds to fund pension fund contributions for a participating health-care provider and to take back a secured or unsecured promissory note evidencing such loan upon such terms and conditions as the financing council may approve.

SECTION 5. Sections 12(a), (c), (e), and (f), Texas Hospital Equipment Financing Act (Article 4437e-3, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The financing council is hereby authorized to issue, sell, and deliver its bonds in accordance with the terms of this Act for the purpose of paying all or any part of the cost of health-related equipment, funds to decrease or eliminate cash flow deficits, or funds to fund pension fund contributions and to make either directly or indirectly through banks, savings and loan associations, or other entities loans to participating health-care providers as provided elsewhere in this Act.

(c) The principal of and redemption premium, if any, and interest on such bonds shall be payable solely from and may be secured by a pledge of all or any part of the proceeds of bonds, revenues derived from the lease or sale of health-related equipment or realized from a loan made by the financing council to finance or refinance in whole or in part health-related equipment, funds to decrease or eliminate cash flow deficits, or funds to fund pension fund contributions, revenues derived from operating health-related equipment, including insurance proceeds, or any other revenues as may be provided by a participating health-care provider, or a bank, savings and loan association, or other entity to which a loan is made, any one or more.

(e) The proceeds of the bonds of each issue shall be used solely for the payment of all or part of the cost of or for the making of a loan in the amount of all or part of the cost of health-related equipment, funds to decrease or eliminate cash flow deficits, or funds to fund pension fund contributions and, at the option of the financing council, for the deposit to a reserve fund or reserve funds for the bonds. Such proceeds shall be disbursed in such manner and under such restrictions, if any, as may be determined by the financing council. The financing council shall be paid, out of money from the proceeds of the sale and delivery of its bonds issued in accordance with this Act, an amount of money equal to all of the financing council's out-of-pocket expenses and costs in connection with the issuance, sale, and delivery of such bonds, including without limitation all financing, legal, financial advisory, printing, and other expenses and costs in issuing such bonds, plus an amount of money equal to the compensation paid to the employees, if any, of the financing council for the time such employees have spent on activities relating to the issuance, sale, and delivery of such bonds.

(f) Any bond resolution or related trust agreement, trust indenture, indenture of mortgage, or deed of trust may contain provisions, which shall be a part of the contract with the holders of the bonds to be authorized, as to: (1) pledging or assigning the revenues generated by health-related equipment or pledging or assigning the mortgage, lease, or other security given or to be given by participating health-care providers (whether or not identified at the time of issuance of such bonds) with respect to which such bonds are to be issued or other specified revenues of the financing council; (2) the rentals, fees, and other amounts to be charged, the schedule of principal payments, and the sums to be raised in each year thereby and the use, investment, and disposition of such sums; (3) setting aside the reserves or sinking funds and the regulation, investment, and disposition thereof; (4) limitations on the use of health-related equipment, funds to decrease or eliminate cash flow deficits, or funds to fund pension fund contributions financed or to be financed by the proceeds of the sale of such bonds; (5) limitations on the purpose

to which or the investments in which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied; (6) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the terms upon which additional bonds may rank on a parity with or be subordinate or superior to other bonds; (7) the refunding of outstanding bonds; (8) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amounts of bonds the holders of which must consent thereto, the manner in which such consent may be given, and restrictions on the individual rights of action by bondholders; (9) omissions which shall constitute a default in the duties of the financing council to holders of its bonds and providing the rights and remedies of such holders in the event of default; and (10) any other matters relating to the bonds which the financing council deems desirable. In addition to the foregoing, bonds of the financing council may be secured by a pooling of leases, of loan agreements, or of mortgages or other securities (whether or not such leases, loan agreements, or mortgages or other securities exist at the time of sale and delivery of such bonds or are agreed to by the financing council or granted to the financing council thereafter) whereby the financing council may assign its rights as lessor and pledge rents under two or more leases of health-related equipment with two or more participating health-care providers as lessees or assign its rights as lender and pledge loan payments under two or more loan agreements relating to two or more items of health-related equipment with two or more participating health-care providers as borrowers or assign its rights as mortgagee and pledge mortgages from two or more participating health-care providers, banks, savings and loan associations, or other entities, upon such terms as may be provided for in bond resolutions or other instruments under which such bonds are issued.

SECTION 6. This Act shall be construed liberally to effect the legislative intent and purpose of this Act, and all powers granted by this Act shall be broadly interpreted to effect that intent and purpose, and not as a limitation of powers.

SECTION 7. If a section, provision, clause, or word of this Act, or the application of a section, provision, clause, or word to any situation or circumstance is invalid or unconstitutional, that invalidity or unconstitutionality does not affect any other section, provision, clause, or word of the Act, or the application of any section, provision, clause, or word to any other situation or circumstance, and it is intended that this Act is severable, and it shall be construed and applied as if any invalid or unconstitutional section, provision, clause, or word had not been included in this Act.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Edwards and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 1110 ON THIRD READING

Senator Whitmire moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1110 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Henderson, Howard, Kothmann, Krier, Lyon, McFarland, Mauzy, Montford,

Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Jones, Leedom, Washington.

Absent: Glasgow, Harris.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Henderson, Howard, Kothmann, Krier, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Jones, Leedom.

Absent: Glasgow, Harris.

Absent-excused: Santiesteban.

SENATE BILL 1381 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1381, Relating to the appointment of trustees of the Texas Hospital Equipment Financing Council and making such Council a public agency.

The bill was read second time.

Senator Edwards offered the following amendment to the bill:

Amend **S.B. 1381** as follows:

(1) By adding a new SECTION 2 to read as follows:

SECTION 2. Subdivisions (6) and (9) of the Texas Hospital Equipment Financing Act (Article 4437e-3, Vernon's Texas Civil Statutes), are amended to read as follows:

"(6) "Health Facility" means and includes any public or nonprofit health care facility which is utilized in providing medical care, medical research, or the training or teaching of health-care personnel, any one or all, within this state and, without limiting the generality of the foregoing, shall include a ~~[public or private]~~ hospital, kidney disease treatment facility, radiation therapy facility, and alcoholism and drug treatment facility, so long as such health-care facility shall be licensed by the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, or the Texas Commission on Alcoholism or any successor or successors to such entities, and health facility shall also include any facility or building related to any health-care facility such as a pharmacy, laboratory, laundry facility, and food service and preparation facility."

"(9) "Participating health-care provider" means a public or private, ~~[profit or]~~ nonprofit corporation, association, foundation, trust, cooperative, agency, body politic, or similar person or organization authorized by the laws of this state to provide or operate a health facility, as herein defined, and which, pursuant to the provisions of this Act, contracts with or borrows from the financing council, as herein defined, or any entity which will provide loans for the financing or refinancing of the least or other acquisition of health-related equipment, as herein defined, as provided by this Act."

(2) By renumbering the remaining sections.

The amendment was read and was adopted.

On motion of Senator Uribe and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 1381 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1381** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

SENATE BILL 1428 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1428, Relating to the procedure for taking the deposition of a witness under the age of 18 in a juvenile court proceeding.

The bill was read second time and was passed to engrossment.

SENATE BILL 1428 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1428** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed.

SENATE BILL 372 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 372, Relating to eligibility for service retirement benefits from the Texas Municipal Retirement System.

The bill was read second time.

Senator Blake offered the following amendment to the bill:

Amend **S.B. 372** by striking the language after the period on Line 20 and substituting the following in lieu thereof:

"A participating municipality is not subject to this subsection unless the retirement system receives before June 1, 1986, a resolution adopted by the governing body of the municipality accepting the eligibility terms of this subsection."

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Howard asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 372 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 372 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sims, Truan, Uribe, Whitmire, Williams.

Nays: Glasgow, Howard, Jones, Sharp, Traeger, Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Howard, Glasgow, Jones, Sharp and Traeger asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 948 ON SECOND READING

Senator Montford asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 948, Relating to casing that must be used for oil and gas wells.

There was objection.

Senator Montford then moved to suspend the regular order of business and take up **H.B. 948** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Barrientos, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Uribe, Washington, Whitmire.

Nays: Blake, Howard, Traeger, Truan, Williams.

Absent: Harris, Henderson.

Absent-excused: Santiesteban.

The bill was read second time.

Senator Howard offered the following amendment to the bill:

Floor Amendment No. 1

Amend **H.B. 948** by adding the following at the end of amended Section 91.011:

Standards adopted by the commission for casing material other than wrought iron or steel must require that the alternative material be capable of withstanding a hydrostatic pressure test that induces an equivalent fiber stress of 32,000 pounds per square inch (PSI) in sizes 9-5/8 inches outside diameter or smaller and 24,000 PSI in sizes 10-3/4 inches outside diameter or larger and that the material be non-flammable and non-biodegradable and be composed of non-toxic materials.

On motion of Senator Montford, the amendment was tabled by the following vote: Yeas 19, Nays 8.

Yeas: Brown, Caperton, Edwards, Farabee, Glasgow, Jones, Kothmann, Krier, Leedom, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Truan, Uribe.

Nays: Barrientos, Blake, Brooks, Howard, Lyon, Traeger, Whitmire, Williams.

Absent: Harris, Henderson, Washington.

Absent-excused: Santiesteban.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 2

Amend **H.B. 948** by adding after the phrase "....or with any other material that meets standards adopted by the commission" the following:

" , particularly where wells could be subjected to corrosive elements or high pressures and temperatures,..."

The amendment was read and was adopted.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 948 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 948** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Henderson, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Uribe, Whitmire.

Nays: Howard, Traeger, Truan, Washington, Williams.

Absent: Harris.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 4.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Henderson, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Uribe, Washington, Whitmire.

Nays: Howard, Traeger, Truan, Williams.

Absent: Harris.

Absent-excused: Santiesteban.

HOUSE BILL 449 ON SECOND READING

Senator Traeger moved to suspend the regular order of business to take up for consideration at this time:

H.B. 449, Relating to disposal sites of the Texas Low-Level Radioactive Waste Disposal Authority.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Montford, Parker, Parmer, Sharp, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Lyon, Mauzy, Sarpalius, Sims.

Absent-excused: Santiesteban.

The bill was read second time.

Senator Sims offered the following amendment to the bill:

Floor Amendment No. 1

Amend **H.B. 449** by striking Section 3.07A(a) and renumbering accordingly.

On motion of Senator Traeger, the amendment was tabled by the following vote: Yeas 21, Nays 8.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Kothmann, Krier, Mauzy, Parker, Parmer, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Brown, Jones, Leedom, Lyon, McFarland, Montford, Sarpalius, Sims.

Absent: Washington.

Absent-excused: Santiesteban.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 2

Amend **H.B. 449** as follows:

1. Re-letter subsection "(e)" of Sec. 3.07A as added by SECTION 2 of the bill as subsection "(h)".
2. Add the following new subsections (e), (f), and (g) to Sec. 3.07A as added by SECTION 2 of the bill:

(e) Nothing in this Act shall be interpreted as requiring the board of regents of The University of Texas System or the commissioner of the General Land Office to enter into an agreement to sell or lease lands for a disposal site for low-level radioactive waste.

(f) Before entering into an agreement with the authority for the sale or lease of permanent university fund lands to the authority, the board of regents of The University of Texas System shall enter a finding in its records that the site for low-level radioactive waste disposal to be sold or leased will not interfere with the

potential siting of the Super-conducting Super Colliding Particle Accelerator Project.

(g) The Texas Board of Health, the Commissioner of Health, or the Texas Low-Level Radioactive Waste Disposal Authority may not relax any standard for the siting, construction, or operation of the disposal site because such site is located on state-owned land dedicated to the permanent school fund or the permanent university fund.

The amendment was read and was adopted.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 3

Amend **H.B. 449** as follows:

1. Renumber present "SECTION 6" as "SECTION 7".
2. Add a new SECTION 6 to read as follows:

SECTION 6. The Texas Low-Level Radioactive Waste Disposal Authority Act (Article 4590f-1, Vernon's Texas Civil Statutes) is amended by adding to Article 3 a new Section 3.28 to read as follows:

Sec. 3.28. DESIGN OF FACILITIES. The board shall ensure that the design of facilities for low-level radioactive waste disposal incorporates, insofar as possible, safeguards against hazards resulting from local meteorological conditions including, without limitation, such phenomena as violent storms, hurricanes, tornadoes, earthquakes, earth tremors, and susceptibility to flooding.

The amendment was read and was adopted.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 4

Amend **H.B. 449** by adding a new subsection (d) to Sec. 3.05 as amended by SECTION 3 of the bill:

(d) No low-level waste may be disposed of in a landfill below the natural level of the disposal site unless:

(A) state or federal regulatory programs for low-level waste preclude or recommend against aboveground disposal; or

(B) the authority has by rule determined that below ground disposal provides greater protection than aboveground disposal for the environment and public health for the period of time for which the low-level waste will continue to pose a hazard to the environment and public health.

The amendment was read and was adopted.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 449 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 449** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom,

McFarland, Montford, Parker, Parmer, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Lyon, Mauzy, Sarpalius, Sims, Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Parker, Parmer, Sharp, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Lyon, Mauzy, Montford, Sarpalius, Sims.

Absent-excused: Santiesteban.

HOUSE BILL 1681 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1681, Relating to the use of assumed names by foreign insurance corporations.

The bill was read second time and was passed to third reading.

HOUSE BILL 1681 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1681** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

HOUSE BILL 1112 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1112, Relating to providing employees with access to information relating to hazardous chemicals to which they may be exposed during their employment, to providing hazard information to emergency service personnel and the commissioner of health, and to providing persons with a mechanism to gain access to information relating to hazardous chemicals; providing penalties.

The bill was read second time and was passed to third reading.

HOUSE BILL 1112 ON THIRD READING

Senator Whitmire moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1112** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed.

HOUSE BILL 1509 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1509, Relating to the regulation of certain rates charged or proposed by gas utilities.

The bill was read second time.

Senator Lyon offered the following amendment to the bill:

Amend **H.B. 1509** as follows:

Amend SECTION 1 of **H.B. 1509** by adding the following subsections to Section 5.02(b):

“(4) The standard contained in Subsection (b)(1) shall not apply to rates charged or offered to be charged to an affiliated pipeline utility.

“(5) Gas purchased costs included in city gate rates proposed to be charged for sales-for-resale to gas distribution utilities at city gates may be reviewed as to reasonableness in city gate rate proceedings even though they have been previously approved as rates for other parties under Subsection (b).”

Delete Section 3 in its entirety and re-number the following Sections accordingly.

The amendment was read and was adopted.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 1509 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1509** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

HOUSE BILL 918 ON SECOND READING

On motion of Senator Sharp and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 918, Relating to the mineral development and leasing of land acquired by the state to construct or maintain a highway, road, street, or alley.

The bill was read second time and was passed to third reading.

HOUSE BILL 918 ON THIRD READING

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 918** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Sims, Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Sims.

Absent-excused: Santiesteban.

SENATE CONCURRENT RESOLUTION 163 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 163, Providing for internal auditing by State agencies.

The resolution was read second time and was adopted.

RECESS

On motion of Senator Mauzy, the Senate at 12:07 o'clock p.m. took recess until 2:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 2:00 o'clock p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

House Chamber
May 17, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

Respectfully,

SENATE RESOLUTIONS ON FIRST READING

HOUSE BILLS ON FIRST READING

H.B. 268, To Committee on Jurisprudence.
H.B. 533, To Committee on Criminal Justice.
H.B. 1303, To Committee on Education.
H.B. 498, To Committee on Finance.
H.B. 197, To Committee on Jurisprudence.
H.B. 1201, To Committee on Economic Development.
H.B. 968, To Committee on Intergovernmental Relations.
H.B. 1173, To Committee on Intergovernmental Relations.
H.B. 2084, To Committee on State Affairs.
H.B. 2260, To Committee on State Affairs.
H.B. 2278, To Committee on Criminal Justice.
H.B. 2302, To Committee on Intergovernmental Relations.
H.B. 2377, To Committee on Intergovernmental Relations.
H.B. 2407, To Committee on Intergovernmental Relations.
H.B. 2409, To Committee on Intergovernmental Relations.
H.B. 2431, To Committee on Natural Resources.
H.B. 477, To Committee on Intergovernmental Relations.
H.B. 2424, To Committee on Jurisprudence.
H.B. 2399, To Committee on Education.
H.B. 808, To Committee on Criminal Justice.
H.B. 309, To Committee on Jurisprudence.
H.B. 1976, To Committee on State Affairs.
H.B. 773, To Committee on Jurisprudence.
H.B. 1874, To Committee on State Affairs.
H.B. 875, To Committee on Health and Human Resources.
H.B. 473, To Committee on State Affairs.
H.B. 1615, To Committee on Finance.

COMMITTEE SUBSTITUTE SENATE BILL 706 ON SECOND READING

C.S.S.B. 706, Relating to permit requirements for conducting certain fishing tournaments and to the disposition of permit fees; providing penalties.

The motion was lost by the following vote: Yeas 15, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Barrientos, Caperton, Farabee, Jones, Kothmann, Krier, Montford, Parmer, Sarpalius, Sims, Traeger, Uribe, Washington, Whitmire, Williams.

Nays: Blake, Brooks, Brown, Edwards, Howard, Leedom, Lyon, Mauzy, Parker, Sharp, Truan.

Absent: Glasgow, Harris, Henderson, McFarland.

Absent-excused: Santiesteban.

(Senator Lyon in Chair)

HOUSE BILL 433 ON SECOND READING

Senator Mauzy moved to suspend the regular order of business to take up for consideration at this time:

H.B. 433, Relating to the Texas guaranteed student loan program.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Harris, Henderson, McFarland.

Absent-excused: Santiesteban.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Amend **H.B. 433** by deleting the words "a certified public accountant" and adding in lieu thereof the words "the state auditor with the cost to be borne by the corporation".

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 433 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 433** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent: Harris, Henderson, McFarland.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Harris, Henderson, McFarland.

Absent-excused: Santiesteban.

SENATE BILL 136 ON SECOND READING

Senator Traeger moved to suspend the regular order of business to take up for consideration at this time:

S.B. 136, Relating to the use of certain pharmaceutical agents by licensed optometrists.

The motion prevailed by the following vote: Yeas 18, Nays 9.

Yeas: Barrientos, Brooks, Caperton, Edwards, Farabee, Glasgow, Kothmann, Krier, Leedom, Lyon, Mauzy, Montford, Parker, Sarpalius, Traeger, Truan, Uribe, Washington.

Nays: Blake, Brown, Howard, Jones, Parmer, Sharp, Sims, Whitmire, Williams.

Absent: Harris, Henderson, McFarland.

Absent-excused: Santiesteban.

The bill was read second time.

Senator Traeger offered the following committee amendment to the bill:

Amend **S.B. 136**, SECTION 1, line 15, by inserting the following immediately after the word "whatsoever,":

"nor prescribe any drug,"

The committee amendment was read.

(Senator Blake in Chair)

A full reading of the amendment was requested.

The Secretary read the amendment in its entirety.

Question - Shall the amendment be adopted?

**VOTE BY WHICH REGULAR ORDER SUSPENDED
ON SENATE BILL 136 RECONSIDERED**

Senator Parker moved to reconsider the vote by which the regular order was suspended to consider **S.B. 136**.

The motion prevailed by the following vote: Yeas 20, Nays 8.

Yeas: Blake, Brooks, Brown, Edwards, Harris, Henderson, Howard, Jones, Krier, Lyon, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Washington, Whitmire, Williams.

Nays: Barrientos, Caperton, Farabee, Kothmann, Leedom, Traeger, Truan, Uribe.

Absent: Glasgow, McFarland.

Absent-excused: Santiesteban.

Question - Shall the regular order of business be suspended?

MOTION TO PLACE SENATE BILL 136 ON SECOND READING

Senator Traeger moved to suspend the regular order of business to take up for consideration at this time:

S.B. 136, Relating to the use of certain pharmaceutical agents by licensed optometrists.

The motion was lost by the following vote: Yeas 15, Nays 12. (Not receiving two-thirds vote of the Members present)

Yeas: Barrientos, Brooks, Caperton, Edwards, Farabee, Kothmann, Leedom, Lyon, Mauzy, Montford, Sarpalius, Traeger, Truan, Uribe, Washington.

Nays: Blake, Brown, Harris, Henderson, Howard, Jones, Parker, Parmer, Sharp, Sims, Whitmire, Williams.

Absent: Glasgow, Krier, McFarland.

Absent-excused: Santiesteban.

HOUSE BILL 61 ON SECOND READING

Senator Brown asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 61, Relating to the identification of city- and county-owned vehicles.

There was objection.

Senator Brown then moved to suspend the regular order of business and take up **H.B. 61** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 7.

Yeas: Barrientos, Blake, Brooks, Brown, Edwards, Farabee, Harris, Howard, Jones, Kothmann, Krier, Leedom, Lyon, Montford, Parmer, Sharp, Sims, Traeger, Uribe, Williams.

Nays: Caperton, Mauzy, Parker, Sarpalius, Truan, Washington, Whitmire.

Absent: Glasgow, Henderson, McFarland.

Absent-excused: Santiesteban.

The bill was read second time.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 1

Amending Sec. 1 of SECTION 1 by inserting the following:

Insert the words "or juvenile probation department vehicles used to transport children," between the words "or the office of criminal district attorney or district attorney," and the words "which shall be unmarked at the discretion". (page 1, line 23)

Insert the words "or the local juvenile board." after the words "head of the office or department". (page 1, line 24)

The amendment was read and was adopted.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **H.B. 61** SECTION 1., Sec. 1., by striking the last sentence and substituting instead the following:

"Provided however, that the provisions of this Section shall not apply to automobiles used by police, sheriffs' and constables' departments, the office of criminal district attorney or district attorney, or juvenile probation department vehicles used to transport children, when used for the purpose of performing official

duties, and which shall be unmarked at the discretion of the governing body of the city, in the case of city-owned vehicles, or at the discretion of the commissioners court, in the case of county-owned vehicles.”

The amendment was read.

Senator Washington offered the following substitute to Floor Amendment No. 1:

Floor Amendment No. 2

Substitute the following for Floor Amendment No. 1:

Amend **H.B. 61** SECTION 1., Sec. 1., by striking the last sentence and substituting instead the following:

“Provided however, that the provisions of this Section shall not apply to automobiles used by police, sheriffs’ and constables’ departments, the office of criminal district attorney or district attorney, or juvenile probation department vehicles used to transport children, when used for the purpose of performing official duties, and which shall be unmarked at the discretion of the governing body of the city, in the case of city-owned vehicles, or at the discretion of the commissioners court, in the case of county-owned vehicles.” This exception for unmarked vehicles does not apply to “contract deputies”.

The substitute to Floor Amendment No. 1 was read and was adopted.

Floor Amendment No. 1 as substituted was then adopted.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting “Nay” on the passage of the bill to third reading.

HOUSE BILL 61 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 61** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 5.

Yeas: Barrientos, Blake, Brooks, Brown, Edwards, Farabee, Harris, Howard, Jones, Kothmann, Krier, Leedom, Lyon, Montford, Parmer, Sarpalius, Sharp, Sims, Traeger, Uribe, Whitmire, Williams.

Nays: Caperton, Mauzy, Parker, Truan, Washington.

Absent: Glasgow, Henderson, McFarland.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 6.

Yeas: Barrientos, Blake, Brooks, Brown, Edwards, Farabee, Harris, Howard, Jones, Kothmann, Krier, Leedom, Lyon, Montford, Parmer, Sharp, Sims, Traeger, Uribe, Whitmire, Williams.

Nays: Caperton, Mauzy, Parker, Sarpalius, Truan, Washington.

Absent: Glasgow, Henderson, McFarland.

Absent-excused: Santiesteban.

SENATE BILL 712 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 712, Relating to the authority of the comptroller of public accounts to contract for information involving suits for the recovery of certain revenue.

The bill was read second time and was passed to engrossment.

SENATE BILL 712 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 712** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed.

HOUSE JOINT RESOLUTION 27 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.J.R. 27, Proposing a constitutional amendment relating to the number of precincts in Chambers County.

The resolution was read second time and was passed to third reading.

HOUSE JOINT RESOLUTION 27 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.J.R. 27** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

COMMITTEE SUBSTITUTE SENATE BILL 379 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 379, Relating to the regulation of the profession of radiologic technology; providing a penalty.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Montford asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 379 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 379** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Barrientos, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Montford, Washington.

Present-not voting: Blake.

Absent-excused: Santiesteban.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Montford asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
May 17, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to the following House Bills by a non-record vote:

H.B. 220
H.B. 667
H.B. 892
H.B. 1119
H.B. 1216
H.B. 1226
H.B. 1259
H.B. 1389
H.B. 2044

H.B. 460
H.B. 809
H.B. 1584

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

(President in Chair)

AT EASE

The President at 3:12 o'clock p.m. announced the Senate would stand At Ease Subject to the Call of the Chair.

IN LEGISLATIVE SESSION

Senator Blake called the Senate as In Legislative Session to order at 3:12 o'clock p.m.

LOCAL AND UNCONTESTED BILLS CALENDAR

The regular order of business having been suspended by provisions of S.R. 8, adopted by the 69th Legislature, the following bills/resolutions were laid before the Senate, read second time, passed to engrossment/third reading, read third time and passed: (Sponsor, vote on Constitutional Three-day Rule and final passage indicated after caption of each bill).

S.C.R. 65 (Brown) Recognizing the Public Information Emergency System (PIES), a new emergency radio communications network, recently activated in the Houston-Galveston area and requesting funds for this network. (vv)

S.C.R. 121 (Sharp) Directing the Texas Department of Water Resources and the Texas Water Commission to comply with the recommendations of the Governor's Select Committee on Water Quality Standards for the Colorado River. (vv)

S.C.R. 126 (Leedom) Requesting the governing board of the Texas School for the Deaf to undertake a study and submit a proposal to the 70th Legislature relating to the location and construction of a new facility. (vv)

S.C.R. 131 (Barrientos) Granting Josephine Faz and Medea Faz permission to sue the Austin Independent School District. (vv)

S.C.R. 135 (Blake) Granting Clifton Construction-Engineering, Inc., permission to sue the State of Texas. (vv)

C.S.S.C.R. 143 (Brown) Granting D. Dave Bentrup and Verla A. Bentrup permission to sue the State of Texas. (vv)

S.C.R. 144 (Krier) Granting Commercial Contracting Company of San Antonio, Inc., permission to sue the State of Texas. (vv)

S.C.R. 147 (Santiesteban) Granting Borsberry Construction Company, Inc., permission to sue the State of Texas. (vv)

S.C.R. 151 (Montford) Granting Empire Generator Corporation permission to sue the State of Texas. (vv)

S.C.R. 152 (Traeger) Granting H. B. Zachry Company permission to sue the state of Texas. (vv)

S.C.R. 153 (Traeger) Granting H. B. Zachry Company permission to sue the Tarrant County Water Control and Improvement District No. 1 of Tarrant County. (vv)

S.C.R. 155 (Mauzy) Granting Bay, Inc., permission to sue the State of Texas. (vv)

S.C.R. 156 (Mauzy) Granting Herzog Contracting Corp. permission to sue the State of Texas. (vv)

C.S.S.B. 200 (Lyon) Relating to requiring notice of certain collection, handling, processing, storage, or disposal of industrial solid waste. (29-1) Washington "Nay" (30-0)

S.B. 932 (Mauzy) Relating to a requirement that the Commission on Law Enforcement Officer Standards and Education adopt a code of conduct for peace officers; consequences for an officer who violates that code. (29-1) Washington "Nay" (30-0)

C.S.S.B. 954 (Howard) Relating to the security for deposits of public funds. (29-1) Washington "Nay" (30-0)

C.S.S.B. 959 (Uribe) Relating to manufacture and sale of foods, drugs, devices, and cosmetics; providing definitions and standards; (29-1) Washington "Nay" (30-0)

S.B. 1184 (Lyon) Relating to the Family Farm and Ranch Security Program. (29-1) Washington "Nay" (30-0)

S.B. 1250 (Washington) Relating to the grounds for removal or suspension of a fireman or policeman. (29-1) Washington "Nay" (30-0)

C.S.S.B. 1333 (Brooks) Relating to licensing and regulation of certain pilots, pilotage rates, and pilot service. (29-1) Washington "Nay" (30-0)

C.S.S.B. 1356 (Parker) Relating to the creation of the Montgomery County Municipal Utility District No. 69. (29-1) Washington "Nay" (30-0)

C.S.S.B. 1357 (Parker) Relating to the creation of the Montgomery County Municipal Utility District No. 70. (29-1) Washington "Nay" (30-0)

C.S.S.B. 1358 (Parker) Relating to the creation of the Montgomery County Municipal Utility District No. 71. (29-1) Washington "Nay" (30-0)

C.S.S.B. 1359 (Parker) Relating to the creation of the Montgomery County Municipal Utility District No. 72. (29-1) Washington "Nay" (30-0)

C.S.S.B. 1360 (Parker) Relating to the creation of the Montgomery County Municipal Utility District No. 73. (29-1) Washington "Nay" (30-0)

C.S.S.B. 1361 (Parker) Relating to the creation of the Montgomery County Municipal Utility District No. 74. (29-1) Washington "Nay" (30-0)

S.B. 1365 (Montford) Relating to the jurisdiction of the municipal courts of record in Lubbock. (29-1) Washington "Nay" (30-0)

C.S.S.B. 1366 (Brooks) Providing that the Commissioners Court of each county of this State is authorized and empowered to acquire a surface water supply and to acquire property for its transportation and delivery. (29-1) Washington "Nay" (30-0)

S.B. 1400 (Howard) Relating to standards of conduct of certain State officers and employees. (29-1) Washington "Nay" (30-0)

S.B. 1407 (Brooks) Relating to the authority of the Department of Public Safety to regulate headlamp modulation systems on motorcycles. (29-1) Washington "Nay" (30-0)

S.B. 1420 (Truan) Relating to compensation for directors of the San Patricio County Drainage District. (29-1) Washington "Nay" (30-0)

S.B. 1429 (Krier) Relating to the designation of a guardian by a person before the person becomes incompetent. (29-1) Washington "Nay" (30-0)

Senator Krier offered the following committee amendment to the bill:

Amend **S.B. 1429**, page 1, Sec. 118A(a), line 12, by deleting the word "of" after "age" and before "older" and substituting in its place the word "or".

On motion of Senator Krier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 1447 (Harris) Relating to the regulation of trust companies. (29-1) Washington "Nay" (30-0)

Senator Harris offered the following committee amendment to the bill:

Amend **S.B. 1447** as follows:

1. Strike all the underlined language in Section 1 and substitute the following:

"All corporations, or other entities, exercising trust powers in the State, except banking corporations supervised pursuant to Articles 342-101, et seq., savings and loan associations supervised by the Savings and Loan Commissioner of Texas and/or the Federal Home Loan Bank Board, and credit unions supervised by the Credit Union Commissioner of Texas and/or the National Credit Union Administration, are subject to regulation pursuant to any and all statutes."

2. Renumber the existing SECTION 3 as SECTION 4 and add a new SECTION 3 to read as follows:

"SECTION 3. Nothing in this Act shall be construed to apply to savings and loan associations supervised by the Savings and Loan Commissioner of Texas and/or the Federal Home Loan Bank Board, and credit unions supervised by the Credit Union Commissioner of Texas and/or the National Credit Union Administration.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 1454 (Traeger) Relating to a supplemental appropriation to the National Guard Armory Board. (29-1) Washington "Nay" (30-0)

S.B. 1458 (Parker) Relating to the organization of the Bastrop County Reclamation, Road, and Utility District No. 1. (29-1) Washington "Nay" (30-0)

S.B. 1460 (Farabee) Relating to a supplemental appropriation to the Department of Mental Health and Mental Retardation. (29-1) Washington "Nay" (30-0)

H.B. 95 (Howard) Relating to the aggregation of amounts involved in the offense of criminal mischief. (29-1) Washington "Nay" (30-0)

H.B. 151 (Sharp) Relating to the creation of the Quail Creek Municipal Utility District. (29-1) Washington "Nay" (30-0)

Senator Sharp offered the following committee amendment to the bill:

Insert the following new Section 7 and renumber subsequent Sections 8-13:

SECTION 7. The District shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the

Department of Water Resources for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future uses.

On motion of Senator Sharp and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 163 (Whitmire) Relating to information collected by the Texas Alcoholic Beverage Commission concerning public disturbances at places where alcoholic beverages are sold in certain counties. (29-1) Washington "Nay" (30-0)

H.B. 167 (Barrientos) Relating to the display of warning signs in language other than English by certain alcoholic beverage licensees and permittees. (29-1) Washington "Nay" (30-0)

C.S.H.B. 231 (Blake) Relating to notice of the revocation or suspension or a license to operate a child-care facility; insurance maintained by a child-care facility. (29-1) Washington "Nay" (30-0)

H.B. 475 (Mauzy) Relating to the authority of a creditor of a decedent to institute proceedings to determine heirship. (29-1) Washington "Nay" (30-0)

H.B. 476 (Mauzy) Relating to collection of certain probate court fees to be used for continuing judicial education for probate judges and their staffs or for supplemental compensation and expenses for the presiding judge. (29-1) Washington "Nay" (30-0)

H.B. 478 (Mauzy) Relating to employment and compensation of court coordinators, administrative assistants, and auditors for statutory probate courts.

The bill was read second time and passed to third reading.

H.B. 479 (Mauzy) Relating to the jurisdiction of statutory probate courts in actions by or against the personal representative of an estate. (29-1) Washington "Nay" (30-0)

H.B. 482 (Mauzy) Relating to the persons authorized to collect expenses incurred in defending a will. (29-1) Washington "Nay" (30-0)

H.B. 560 (Barrientos) Relating to the limitations period for filing an application for compensation under the Crime Victims Compensation Act. (29-1) Washington "Nay" (30-0)

Senator Barrientos offered the following committee amendment to the bill:

Amend **H.B. 560** in section 1 by striking the word "disability" wherever it appears in the section, and by substituting in lieu thereof the word "incapacity".

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 685 (Sims) Relating to governmental exemption from bond and security requirements. (29-1) Washington "Nay" (30-0)

H.B. 733 (Sims) Relating to the creation of the County Court at Law of Kerr County. (29-1) Washington "Nay" (30-0)

H.B. 745 (Mauzy) Relating to the assignment of property received from life insurance, under a will, or by inheritance. (29-1) Washington "Nay" (30-0)

H.B. 746 (Mauzy) Relating to the payment of certain claims owed to persons for whom no guardian has been appointed, to the termination of certain guardianships; disposition of guardianship assets. (29-1) Washington "Nay" (30-0)

H.B. 747 (Mauzy) Relating to the classification as habitual drunkards for purposes of the Texas Probate Code of certain users of toxic inhalants. (29-1) Washington "Nay" (30-0)

H.B. 748 (Mauzy) Relating to the appointment of probate surrogates for the statutory probate courts. (29-1) Washington "Nay" (30-0)

H.B. 749 (Mauzy) Relating to accounting and distribution procedures in the administration of certain estates. (29-1) Washington "Nay" (30-0)

H.B. 753 (Washington) Relating to the composition of certain representative districts. (29-1) Washington "Nay" (30-0)

H.B. 865 (Mauzy) Relating to attorney's fees, subrogation rights, and recovery from third persons by the workers' compensation second injury fund. (29-1) Washington "Nay" (30-0)

H.B. 895 (Williams) Relating to the establishment of a veterans county service office in certain counties. (29-1) Washington "Nay" (30-0)

Senator Williams offered the following committee amendment to the bill:

Amend SECTION 1 by deleting the word "three", between the words "of" and "hundred", and inserting the word "two" in its place; and by changing the figure "(300,000)", between the words "thousand" and "or", to "(200,000)".

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1078 (Lyon) Relating to the creation of an advisory council for and the membership of the Hunt County Juvenile Board. (29-1) Washington "Nay" (30-0)

H.B. 1096 (Sims) Relating to the creation of the Brewster County Hospital District. (29-1) Washington "Nay" (30-0)

H.B. 1149 (Leedom) Relating to the period of limitation applicable to a prosecution for indecency with a child. (29-1) Washington "Nay" (30-0)

H.B. 1161 (Sims) Relating to the creation of the Sutton County Underground Water Conservation District. (29-1) Washington "Nay" (30-0)

H.B. 1215 (Blake) Relating to the jurisdiction of the County Court at Law of Anderson County. (29-1) Washington "Nay" (30-0)

H.B. 1235 (Kothmann) Relating to the conveyance of the State's reversionary interest in certain real property in Bexar County. (29-1) Washington "Nay" (30-0)

H.B. 1241 (Mauzy) Relating to the destruction of original political subdivision records that have been duplicated photographically. (29-1) Washington "Nay" (30-0)

H.B. 1263 (Harris) Relating to the eligibility for unemployment compensation benefits of certain direct sales agents. (29-1) Washington "Nay" (30-0)

H.B. 1264 (Henderson) Relating to the persons authorized to operate an emergency medical services vehicle under certain circumstances. (29-1) Washington "Nay" (30-0)

H.B. 1345 (Blake) Relating to creation of the County Court at Law of Polk County. (29-1) Washington "Nay" (30-0)

C.S.H.B. 1426 (Kothmann) Relating to the conveyance of certain State-owned real property in Bexar County. (29-1) Washington "Nay" (30-0)

H.B. 1463 (Glasgow) Relating to the application of motor fuel taxes on motor fuel brought into the State in or delivered into certain fuel supply tanks of motor vehicles. (29-1) Washington "Nay" (30-0)

H.B. 1577 (Sims) Relating to compensation for directors of water power control districts. (29-1) Washington "Nay" (30-0)

H.B. 1628 (Harris) Relating to the exchange, alteration, or conversion of certain insurance and annuity policies issued by a life insurance company. (30-1) Washington (31-0)

H.B. 1762 (Sims) Relating to quantity labeling for commodities in package form. (29-1) Washington "Nay" (30-0)

H.B. 1824 (Sarpalius) Relating to the authority of political subdivisions, on the request of an employee, to deduct from the employee's salary for tax-sheltered annuities and investments. (29-1) Washington "Nay" (30-0)

H.B. 1942 (Sims) Relating to certain reports required to be filed with the Railroad Commission of Texas. (29-1) Washington "Nay" (30-0)

H.B. 1965 (Caperton) Relating to the timeliness of registrations and reports filed under the law regulating lobbyist activities. (29-1) Washington "Nay" (30-0)

H.B. 1966 (Caperton) Relating to the filing of financial statements by persons appointed to fill vacancies in elective offices; secretary of state's duty to send copies of the financial statement form to certain persons. (29-1) Washington "Nay" (30-0)

C.S.H.B. 2004 (Brooks) Relating to speech, hearing, and language screening, professional examinations, and remedial services for preschool and school children. (29-1) Washington "Nay" (30-0)

H.B. 2107 (Blake) Relating to the management of certain unemployment compensation funds. (29-1) Washington "Nay" (30-0)

Senator Blake offered the following committee amendment to the bill:

Amend **H.B. 2107** as follows:

(1) On page 1, strike lines 5-7 and substitute the following:

SECTION 1. Section 9c, Texas Unemployment Compensation Act (Article 5221b-7c, Vernon's Texas Civil Statutes), is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(2) On page 2, between lines 2 and 3, insert the following:

(d) If the Commission finds after January 1 of a year that an interest payment on a federal advance will be due on September 30 of that year and that the estimated amount necessary to make that payment will not otherwise be available, a separate and additional tax is levied, in addition to other taxes, on each employer eligible for an experience tax rate. The rate of the additional tax is one-tenth of one percent, applied to the same wage base to which the employer's unemployment tax applies for the first two calendar quarters of that year. The tax is due on a date set by the Commission, and revenue from the tax shall be deposited to the credit of the Advance Interest Trust Fund. The tax is subject to the same penalty for late payment as the unemployment tax.

(3) On page 1, line 12, between "Fund" and period, insert "and to repay temporary transfers of surplus cash which may be made between this fund and other funds".

On motion of Senator Blake and by unanimous consent, the caption was amended to conform to the body of the bill as amended:

H.B. 2121 (Montford) Relating to the veterinarians authorized to administer or supervise the administration of modified live virus rabies vaccine. (29-1) Washington "Nay" (30-0)

H.B. 2139 (Washington) Relating to the definition of the offense of sexual assault. (29-1) Washington "Nay" (30-0)

H.B. 2229 (Sims) Relating to persons who may be designated life insurance counselors. (29-1) Washington "Nay" (30-0)

H.B. 2259 (Farabee) Relating to the administration, reduction, or termination of block grant funds.

The bill was read second time and passed to third reading.

H.B. 2261 (Caperton) Relating to the time for the canvass of the general election returns by the State Canvassing Board. (29-1) Washington "Nay" (30-0)

H.B. 2305 (Brown) Relating to information concerning motor vehicle theft and motor vehicle insurance fraud. (29-1) Washington "Nay" (30-0)

H.B. 2323 (Montford) Relating to regulation of pawn transactions. (29-1) Washington "Nay" (30-0)

H.B. 2376 (Sims) Relating to the jurisdiction of the county court and district court in Mason County. (29-1) Washington "Nay" (30-0)

H.B. 2382 (Montford) Relating to the creation of the Martin County Underground Water Conservation District. (29-1) Washington "Nay" (30-0)

H.B. 2418 (Sims) Relating to the creation of the Coke County Underground Water Conservation District. (29-1) Washington "Nay" (30-0)

C.S.H.B. 2403 (Montford) Relating to the creation of the Water District and Authority Study Committee. (29-1) Washington "Nay" (30-0)

H.B. 2405 (Blake) Relating to the powers and duties of the board of managers of the Livingston Hospital District of Polk County. (29-1) Washington "Nay" (30-0)

H.B. 2427 (Parmer) Relating to the jurisdiction, judges, official court reporters, and bailiffs of the municipal courts of record of Fort Worth. (29-1) Washington "Nay" (30-0)

H.B. 2443 (Brown) Relating to authority to establish a foreign trade zone within the Brazos River Harbor Navigation District of Brazoria County. (29-1) Washington "Nay" (30-0)

BILLS AND RESOLUTIONS REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR

Number	Senators Objecting
S.B. 961	Mauzy, Blake
S.B. 1368	Leedom, Blake
S.B. 1461	Farabee, Parker
S.R. 368	Blake, Traeger
S.R. 392	Blake, Traeger
C.S.H.C.R. 176	Blake, Traeger

**CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED
BILLS CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

RECESS

On motion of Senator Mauzy, the Senate at 3:58 o'clock p.m. took recess until 4:30 o'clock p.m. today.

AFTER RECESS

The Senate met at 4:30 o'clock p.m. and was called to order by Senator Howard.

AT EASE

The Presiding Officer (Senator Howard in Chair) at 4:34 o'clock p.m. announced the Senate would stand At Ease until 5:00 o'clock p.m. today.

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 5:09 o'clock p.m.

**CONFERENCE COMMITTEE REPORT
HOUSE BILL 632**

Senator Brown submitted the following Conference Committee Report:

Austin, Texas
May 17, 1985

Honorable William P. Hobby President of the Senate

Honorable Gibson D. "Gib" Lewis Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 632** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BROWN
MONTFORD
McFARLAND
FARABEE
CAPERTON

On the part of the Senate

JACKSON
TEJEDA
T. SMITH
MORALES
HURY

On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT
SENATE BILL 245**

Senator Henderson submitted the following Conference Committee Report:

Austin, Texas
May 17, 1985

Honorable William P. Hobby President of the Senate

Honorable Gibson D. "Gib" Lewis Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 245 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HENDERSON

BROWN

WILLIAMS

HOWARD

McFARLAND

On the part of the Senate

ECKELS

CONNELLY

DUTTON

EMMETT

HILBERT

On the part of the House

CONFERENCE COMMITTEE REPORT

A BILL TO BE ENTITLED

AN ACT

relating to the authority of counties to provide law enforcement services on a fee basis and to duties of deputies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 33, Revised Statutes, is amended by adding Article 1581b-2 to read as follows:

Art. 1581b-2. CONTRACTS FOR LAW ENFORCEMENT SERVICES ON A FEE BASIS

Sec. 1. To protect the public interest, the commissioners court of a county may contract with a nongovernmental association for the provision of law enforcement services by the county on a fee basis in the geographical area represented by the association.

Sec. 2. (a) The commissioners court shall determine the amount of the fee based on the total cost of the services including salaries and any additional expenses the county may incur in providing the services.

(b) The contract must provide for the payment of the fees to the county. The fees shall be deposited in the general fund of the county.

(c) The fees charged by the county shall recover 100 percent of the cost to the county for supplying the law enforcement services. However, in the event the sheriff's or county official's time is prorated between services to the political subdivision and a nongovernmental association, the total cost to the association shall be so prorated, as provided in the contract.

Sec. 3. (a) The commissioners court may request the sheriff of the county or a county official who has law enforcement authority, to provide the services in the geographical area for which the official was elected or appointed.

(b) If the sheriff or county official agrees to provide the services, the sheriff or official may provide the services by using deputies. The sheriff or county official retains authority to supervise the deputies who provide the services and, in an emergency, may reassign the deputies to duties other than those to be performed under the contract.

(c) A deputy shall perform duties under the contract in the same manner as if the deputy were performing the duties in the absence of the contract.

(d) A deputy performing duties under the contract remains a county employee subject to the same benefits and restrictions as any other deputy.

(e) A deputy performing duties under the contract shall submit written copies of any felony offense report and subsequent copies of investigative reports to the sheriff and any municipal police department in the county that serves the area under contract.

(f) A deputy performing duties in an area served by a municipal police department shall promptly notify the police department of his receipt and response to a complaint constituting a felony offense and upon request shall secure and preserve the scene of such offense for a reasonable time until the arrival of a representative of the municipal police department. The county and municipal departments shall cooperate in any criminal investigation to the greatest degree which is practical. However, nothing in this subsection shall be construed to prohibit a county or municipal officer from performing any duties which are required of a peace officer.

(g) If, under a proposed contract, the county would provide law enforcement services within the corporate limits of a city, the county shall submit a copy of the proposed contract to the city for approval. The governing body of the city, after considering the individual contract, may disapprove the contract not later than the 30th day after the date the contract is received in the city offices. If the governing body of the city approves the contract or takes no action for the 30 days, the county may enter into the contract as provided in this article. The city and its officers and employees are not liable for any damage caused by the acts of a county official or employee providing services under the contract within the city. If the governing body of the city disapproves the contract, the county may not enter into the contract.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

MESSAGE FROM THE HOUSE

House Chamber
May 17, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 2, Granting Third Coast Video, Inc. permission to sue the State of Texas and the University of Texas System.

S.C.R. 11, Granting Medical Computer Systems, Inc. permission to sue the State of Texas and The University of Texas System.

S.C.R. 14, Providing symbolic redress in the case of Chipita Rodriguez.

S.C.R. 48, Designating the official county flag for the Texas Sesquicentennial.
(With amendment)

S.C.R. 62, Directing the TDMHMR and the State Board of Insurance to work with the insurance industry in developing a plan for reimbursement of the expenses for rehabilitative residential programs.

S.C.R. 63, Requesting the cooperation of the Texas Department of Mental Health and Mental Retardation in the implementation of the recommendation of the Legislative Oversight Committee on Mental Health and Mental Retardation...

S.C.R. 72, Requesting that Congress amend the Employee Retirement Income Security Act.

S.C.R. 94, Granting the students and teachers of the Second Annual Young Leadership Workshop permission to use the Senate and House Chambers of the State Legislature on Wednesday, July 31, through Friday, August 2, 1985. (As substituted)

S.C.R. 115, Designating 1985 as the "Year of Social Security" in commemoration of the 50th anniversary of the Social Security Act.

S.C.R. 124, Directing the Texas Department of Human Resources to establish an income eligibility cap for becoming eligible for nursing home care at an amount not to exceed \$633.50 effective May 1, 1985.

H.C.R. 64, Directing state agencies to use nine-digit ZIP code when possible on presorted mail.

H.C.R. 114, Creating a special committee to select the Texas State Artist.

H.C.R. 137, Granting permission to Jim Scoggins and Gerry Gammage to sue the state.

H.C.R. 169, Creating the Special Interim Committee on Lifeline Telephone Service.

H.C.R. 173, Requesting Congress to extend renewable energy and conservation tax incentives.

H.C.R. 181, Directing the Texas Health and Human Services Coordinating Council to conduct a study of school-age latch-key children in Texas.

H.C.R. 184, Authorizing placement of a sesquicentennial marker on the grounds of the Capitol.

H.C.R. 193, Relating to granting permission for an automatic teller machine to be located in the Capitol Complex.

S.B. 148, Relating to a defendant's election of the judge or the jury to assess punishment in a criminal case.

S.B. 281, Relating to creation of the constitutional office of criminal district attorney of Wichita County and to the abolition of the offices of county attorney of Wichita County and District Attorney of the 30th Judicial District.

S.B. 285, Relating to the designation by office and place of the justices of the Court of Appeals for the Second Supreme Judicial District.

S.B. 793, Relating to the protection of certain sand dunes and to the definition of mainland shoreline. (With amendment)

S.B. 1211, Relating to residential landlord's liens and the return of security deposits on residential rental property.

S.B. 1120, Relating to qualifications for certain city offices.

S.B. 1341, Relating to the repayment of student loans of physicians practicing for certain state agencies or in economically depressed or rural medically underserved areas and psychologists employed by certain state agencies. (With amendment)

H.B. 756, Relating to a uniform size for certain supplies and equipment used by state agencies.

H.C.R. 40, Designating the Corpus Christi Aquarium as the "Official Aquarium of Texas."

S.B. 797, Relating to adoption of a nonsubstantive revision of the statutes relating to civil procedure and civil remedies and liabilities; making conforming amendments and repeals.

S.B. 811, Relating to the authority of legislative agencies to make agreements among themselves and to share services.

S.B. 813, Relating to adoption of a nonsubstantive revision of the statutes relating to the legislative branch of government.

S.B. 854, Relating to adoption of a nonsubstantive revision of miscellaneous statutes relating to criminal procedure.

S.B. 1228, Relating to adoption of a nonsubstantive revision of the statutes relating to the judiciary; making conforming amendments and repeals.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

LEAVES OF ABSENCE

Senator Whitmire was granted leave of absence for the remainder of today on account of important business on motion of Senator Sims.

Senator Williams was granted leave of absence for the remainder of today on account of important business on motion of Senator Montford.

Senator Brown was granted leave of absence for the remainder of today on account of important business on motion of Senator Blake.

SENATE RESOLUTION 454 REREFERRED

On motion of Senator Edwards and by unanimous consent, **S.R. 454** was withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Economic Development.

SENATE BILL 692 ORDERED NOT PRINTED

On motion of Senator Edwards and by unanimous consent, **S.B. 692** was ordered not printed.

RECESS

On motion of Senator Brooks, the Senate at 5:12 o'clock p.m. took recess until 6:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 6:19 o'clock p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

House Chamber
May 17, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 526, Relating to the creation, administration, funding, and review of and assistance to certain programs administered by the state or by nonprofit organizations for the relief of hunger or inadequate diet.

S.B. 286, Relating to cases transferred from one court of appeals to another by the supreme court.

S.B. 316, Relating to the management and operation of the veterans' land program and the veterans' housing program and to the operations of the Veterans' Land Board.

S.B. 358, Relating to the authority of the Texas Department of Health to investigate an employee or prospective employee of a nursing home or custodial care home, and to the offense of unauthorized disclosure of criminal records. (With amendments)

S.B. 1376, Relating to the frequency with which certain employers must pay wages. (With amendment)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 692 ON SECOND READING**

Senator Edwards asked unanimous consent to suspend the regular order of business and Senate Rule 14.2, providing for the Intent Calendar, to take up for consideration at this time:

S.B. 692, Relating to the continuation, composition, powers, and duties of the Texas Department of Health and the Texas Board of Health; to the continuation of the Occupational Safety Board; to contracts with nursing homes entered into by the Texas Department of Human Resources; to the requirement that certain state agencies execute memoranda of understanding with the Texas Department of Health; and providing penalties.

There was objection.

Senator Edwards then moved to suspend the regular order of business and take up **C.S.S.B. 692** for consideration at this time.

The motion was lost by the following vote: Yeas 19, Nays 5. (Not receiving four-fifths vote of Members present)

Yeas: Blake, Brooks, Caperton, Edwards, Farabee, Harris, Howard, Jones, Kothmann, Krier, Leedom, Lyon, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger.

Nays: Barrientos, Mauzy, Truan, Uribe, Washington.

Absent: Glasgow, Henderson, McFarland.

Absent-excused: Brown, Santiesteban, Whitmire, Williams.

MEMORIAL RESOLUTION

H.C.R. 197 - (Barrientos): Memorial resolution for Consuelo Mendez.

CONGRATULATORY RESOLUTIONS

H.C.R. 187 - (Traeger): Extending congratulations to Mr. and Mrs. Gilbert Pena.

H.C.R. 189 - (Traeger): Extending congratulations to Socorro Gonzalez.

- H.C.R. 208 - (Caperton): Extending congratulations to Dr. Leslie M. Reid.
- S.R. 445 - By Howard: Extending congratulations to Jeffrey Robert Eitel.
- S.R. 446 - By Howard: Extending congratulations to Mrs. Juanita Lanier.
- S.R. 447 - By Santiesteban: Extending congratulations to Miss Laura Martinez-Herring, Miss Texas USA.
- S.R. 448 - By Brooks: Extending congratulations to Dean T. Gerald Treece.
- S.R. 449 - By Barrientos: Extending congratulations to Mrs. Elizabeth Owen Hutchison.
- S.R. 450 - By Barrientos: Extending congratulations to Ruben Ramos y La Revolucion de Tejas con Alfonso Ramos band.
- S.R. 451 - By Farabee, Barrientos: Extending congratulations to Frank C. Cooksey.
- S.R. 452 - By Washington: Extending congratulations to Mrs. Cherry Turner.
- S.R. 456 - By Santiesteban: Extending congratulations to Margaret Flores.
- S.R. 458 - By Uribe, Barrientos: Extending congratulations to Dan Alvarez.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 6:47 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, May 20, 1985.

APPENDIX

Signed by Governor
(May 15, 1985)

H.C.R. 2
H.C.R. 4
H.C.R. 6
H.C.R. 92
H.C.R. 159
H.C.R. 165
H.C.R. 168
H.C.R. 175
H.C.R. 180
H.C.R. 182
H.C.R. 183
H.C.R. 186
S.C.R. 134

Sent to Governor
(May 17, 1985)

S.B. 5
S.B. 128
S.B. 366
S.B. 477
S.B. 545
S.B. 598
S.B. 616
S.B. 905
S.B. 1005